



RECEIVED
CENTRAL FAX CENTER

MAR 09 2006

KRAMER | AMADO PC

PATENT RESEARCH SERVICES
INTELLECTUAL PROPERTY LAW

1725 DUKE STREET
SUITE 240
ALEXANDRIA, VIRGINIA 22314
PHONE: (703) 519-9801
FACSIMILE: (703) 519-9802
WWW.KRAMERIP.COM

BEST AVAILABLE COPY

Fax Memo

TO:	Mail Stop Appeal Brief-Patents USPTO
FAX NO.:	(571) 273-8300
FROM:	D. Scott Juneau KRAMER & AMADO, P.C.
DATE:	March 9, 2006
SUBJECT:	U.S. Patent Application Title: WIDEBAND SIGNAL TRANSMISSION SYSTEM Serial No.: 10/047,032 Attorney Docket No.: NL 010054
PAGES:	INCLUDING COVER PAGE (58)

THE INFORMATION CONTAINED HEREIN is intended only for the exclusive use of the individual or entity named above. This facsimile may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this Information is NOT the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this information in any way is strictly prohibited. If you have received this communication in error, please call us immediately and return the original information to us via U.S. Postal Service.

Message: Submitted herewith are the following:

- Transmittal Form (1 page)
- Fee transmittal letter (2 copies, 1 page each)
- Credit Card Form (2 copies, 1 page each)
- Appeal Brief (52 pages)

In the event that the fees submitted herewith are insufficient, please charge any remaining balance, or credit any overpayment, to our Deposit Account Number 50-0578.

RECEIVED
CENTRAL FAX CENTER
703 5199802 P.02
MAR 09 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

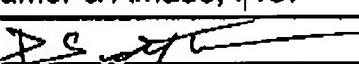
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/047,032	
	Filing Date	January 15, 2002	
	First Named Inventor	Andreas Johannes Gerits	
	Art Unit	2654	
	Examiner Name	Paul V. Harper	
Total Number of Pages in This Submission	57	Attorney Docket Number	NL 010054

ENCLOSURES (Check all that apply)

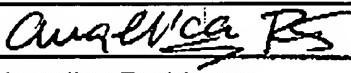
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

BEST AVAILABLE COPY**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Kramer & Amado, P.C.		
Signature			
Printed name	D. Scott Juneau		
Date	3/9/2006	Reg. No.	39,243

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Angelica Rodriguez
Date	03/09/06

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 09 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	10/047,032
Filing Date	January 15, 2002
First Named Inventor	Andreas Johannes Gerrits
Examiner Name	Paul V. Harper
Art Unit	2654
Attorney Docket No.	NL 010054

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number 50-0578 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

Fee (\$)

Fee (\$)

200 100

Multiple dependent claims

Fee (\$)

Fee (\$)

360 180

Total Claims Extra Claims Fee (\$)

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

Fee Paid (\$)

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

Fee (\$)

Fee Paid (\$)

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

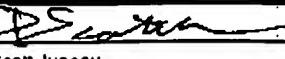
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fee Paid (\$)

Other (e.g., late filing surcharge): Appeal Brief 500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 39,243	Telephone 703-519-9801
Name (Print/Type)	D. Scott Juneau	Date 3/9/2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

MAR-09-2006 16:10

KRAMER & AMADO, P.C.

703 5199802

P.04

MAR 09 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	500.00
--------------------------------	------	---------------

Complete if Known

Application Number	10/047,032
Filing Date	January 15, 2002
First Named Inventor	Andreas Johannes Gerrits
Examiner Name	Paul V. Harper
Art Unit	2654
Attorney Docket No.	NL 010054

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account. Deposit Account Number: **50-0578** Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
--------------	--------------	----------	---------------	---------------------------

- 20 or HP = _____ x _____ = _____

Fee (\$) Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------	--------------	----------	---------------

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

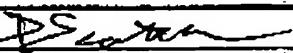
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

Fees Paid (\$)

500.00

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

SUBMITTED BY		Registration No. (Attorney/Agent) 39,243	Telephone 703-519-9801
Signature			
Name (Print/Type)	D. Scott Juneau	Date	3/9/2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

MAR-09-2006 16:10

KRAMER & AMADO, P.C.

703 5199802
MAR 09 2006

P.06

PATENT

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Andreas Johannes Gerrits

For WIDEBAND SIGNAL TRANSMISSION
SYSTEM

Serial No. 10/047,032

Filed January 15, 2002

Art Unit 2654

Examiner Paul V. Harper

Attorney Docket No. NL 010054

Confirmation No. 4253

BEST AVAILABLE COPY

APPEAL BRIEF

Mail Stop Appeal Brief -- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed January 11, 2006.

I. REAL PARTY IN INTEREST

The party in interest is the assignee, PHILIPS ELECTRONICS NORTH AMERICA CORPORATION. The assignment document is recorded at Reel 012699 and Frame 0528.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

Application No.: 10/047,032
Attorney Docket No.: NL010054

III. STATUS OF CLAIMS

This is an appeal from the Final Office Action dated October 20, 2005 rejecting claims 1, 2, 4-6, 8-10, 12-14, 16-18, and 20. No other claims are pending in the application. The claims being appealed are claims 1, 2, 4-6, 8-10, 12-14, 16-18, and 20.

IV. STATUS OF AMENDMENTS

An amendment under 37 CFR §1.116 was filed by the Appellant on December 7, 2005. This amendment was filed for clarification purposes, and to remove reference numerals from the claims, and was intended to put the claims in better form for Appeal. Specifically, by this amendment claim 1 was amended to recite combination of first and second decoded frequency band signals into a single output signal (line 21 of the claim). Similar amendments were made to claims 5, 9, 13, and 17. Also, claim 17 was amended to recite that first and second encoded frequency band signals are derived from a single input speech signal (line 3 of the claim). This amendment has not been entered by the Examiner.

The copy of appealed claims 1-20 is presented without entry of the 1.116 amendment.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a transmission system comprising a transmitter for transmitting an input signal to a receiver. The transmitter comprises a splitter for splitting up the input signal into at least first and second frequency band signals. The transmitter further comprises a first encoder for encoding the first frequency band signal into a first encoded frequency band signal and a second encoder for encoding the second frequency band signal into

Application No.: 10/047,032
Attorney Docket No.: NL010054

a second encoded frequency band signal. The receiver comprises a first decoder for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder for decoding the second encoded frequency band signal into a second decoded frequency band signal. The receiver combines the first and second decoded frequency band signals into an output signal and reconstructs the second decoded frequency band signal when the second decoded frequency band signal is not available. Errors occurring in the receipt or decoding of the second frequency band signal can be concealed by reconstructing the missing parts on the basis of the first frequency band signal which was received and decoded correctly.

Claim 1 (independent)

The transmission system, as claimed in independent claim 1, comprises a transmitter (Fig. 1, Ref. 12) for transmitting an input signal to a receiver (Fig. 1, Ref. 14) via a transmission channel (Fig. 1, Ref. 16), the transmitter comprising a splitter (Fig. 1, Ref. 20) for splitting up a single input signal on a single input line (Fig. 1, Ref. 18) into at least first and second frequency band signals (Page 5, lines 25-27), the transmitter further comprising a first encoder (Fig. 1, Ref. 22) for encoding the first frequency band signal into a first encoded frequency band signal and a second encoder (Fig. 1, Ref. 24) for encoding the second frequency band signal into a second encoded frequency band signal. The transmitter transmits the first and second encoded frequency band signals via the transmission channel to the receiver (Page 5, lines 27-32).

The receiver comprises a first decoder (Fig. 1, Ref. 26) for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder (Fig. 1, Ref. 28) for decoding the second encoded frequency band signal into a second decoded

Application No.: 10/047,032
Attorney Docket No.: NL010054

frequency band signal, the receiver further comprising a combiner (Fig. 1, Ref. 30) for combining the first and second decoded frequency band signals into an output signal (Page 5, line 32-Page 6, line 6). The receiver further comprises reconstruction means (Fig. 2, Ref. 48) for reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available. The reconstruction means are arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal (Page 8, lines 3-15).

The reconstruction means is a means plus function element of claim 1. As required in 35 U.S.C. §112, paragraph 6, the corresponding structure is described in the specification on page 8, lines 3-15.

Claim 3 (dependent)

The transmission system, as claimed in dependent claim 3, includes all the limitations of claim 1 as described above. Claim 3 further characterizes the transmission system of claim 1 in that the reconstruction means is arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal (Page 8, lines 11-15).

Claim 5 (independent)

Independent claim 5 is directed to a receiver for receiving, via a transmission channel, first and second encoded frequency band signals derived from a single input signal from a transmitter. The receiver, as claimed in claim 5, comprises a first decoder (Fig. 1, Ref. 26) for

Application No.: 10/047,032
Attorney Docket No.: NL010054

decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder (Fig. 1, Ref. 28) for decoding the second encoded frequency band signal into a second decoded frequency band signal, the receiver further comprising a combiner (Fig. 1, Ref. 30) for combining the first and second decoded frequency band signals into an output signal (Page 5, line 32-Page 6, line 6). The receiver further comprises a reconstruction means (Fig. 2, Ref. 48) for reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available, characterized in that the reconstruction means is arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal (Page 8, lines 3-15).

The reconstruction means is a means plus function element of claim 5. As required in 35 U.S.C. §112, paragraph 6, the corresponding structure is described in the specification on page 8, lines 3-15.

Claim 7 (dependent)

The receiver, as claimed in dependent claim 7, includes all the limitations of claim 5 as described above. Claim 7 further characterizes the receiver of claim 5 in that the reconstruction means is arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal (Page 8, lines 11-15).

Claim 9 (independent)

Independent claim 9 is directed to a method of transmitting a single input signal via a

Application No.: 10/047,032
Attorney Docket No.: NL010054

transmission channel. The method, as claimed in claim 9, comprises the steps of splitting up the single input signal into at least first and second frequency band signals (Page 5, lines 25-27), encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal (Page 7, lines 1-10), transmitting the first and second encoded frequency band signals via the transmission channel (Page 7, lines 11-14), decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25), combining the first and second decoded frequency band signals into an output signal (Page 6, lines 12-14), and reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available (Page 8, lines 3-15). The method of claim 9 is characterized in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal (Page 8, lines 3-15).

Claim 11 (dependent)

The method of transmitting an input signal via a transmission channel, as claimed in dependent claim 11, includes all the limitations of claim 9 as described above. Claim 11 further characterizes the method of claim 9 in that a present frame of the second decoded frequency band signal is reconstructed from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal (Page 8, lines 11-15).

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 13 (independent)

Independent claim 13 is directed to a method of receiving, via a transmission channel, first and second encoded frequency band signals derived from a single input signal. The method, as claimed in claim 13, comprises the steps of decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25); combining the first and second decoded frequency band signals into an output signal (Page 6, lines 12-14); and reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available (Page 8, lines 3-15). The method of claim 9 is characterized in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal (Page 8, lines 3-15).

Claim 15 (dependent)

The method of receiving, via a transmission channel, first and second encoded frequency band signals derived from a single input signal, as claimed in dependent claim 13, includes all the limitations of claim 9 as described above. Claim 15 further characterizes the method of claim 13 in that a present frame of the second decoded frequency band signal is reconstructed from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal (Page 8, lines 11-15).

Claim 17 (independent)

Application No.: 10/047,032
Attorney Docket No.: NL010054

Independent claim 17 is directed to a speech decoder (Fig. 2, Ref. 60) for decoding first and second encoded frequency band speech signals derived from a single input signal (Page 7, lines 15-25). The speech decoder comprises a first decoder (Fig. 2, Ref. 26) for decoding the first encoded frequency band speech signal into a first decoded frequency band speech signal and a second decoder (Fig. 2, Ref. 28) for decoding the second encoded frequency band speech signal into a second decoded frequency band speech signal (Page 7, lines 15-25). The speech decoder further comprises a combiner for combining the first and second decoded frequency band speech signals into an output signal (Page 7, lines 26-31), and a reconstruction means (Fig. 2, Ref. 48) for reconstructing the second decoded frequency band speech signal when the second decoded frequency band signal is not available. The reconstruction means is arranged for reconstructing the second decoded frequency band speech signal from the first decoded frequency band speech signal (page 8, lines 3-15).

The reconstruction means is a means plus function element of claim 5. As required in 35 U.S.C. §112, paragraph 6, the corresponding structure is described in the specification on page 8, lines 3-15.

Claim 19 (dependent)

The speech decoder, as claimed in dependent claim 19, includes all the limitations of claim 17 as described above. Claim 19 further characterizes the speech decoder of claim 17 in that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band speech signal from a present frame of the first decoded frequency band speech signal and from a previous frame of the second decoded frequency band speech signal

Application No.: 10/047,032
Attorney Docket No.: NL010054

(Page 8, lines 11-15).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A.. Claims 1, 2, 4-6, 8-10, 12-14, and 16-18 stand rejected under 35 U.S.C. §102(e) as being unpatentable over US Patent No. 6,137,915 to Chai et al. ("Chai").
- B. Claims 3, 7, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chai in view of US Patent No. 5,384,793 to Zinser et al. ("Zinser").

VII. ARGUMENT

In the Final Office Action the Examiner rejected all independent claims (i.e. claims 1, 5, 13, and 17) under 35 U.S.C. §102(e) as being anticipated by Chai.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Circ. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Appellant will show that the prior art reference cited by the Examiner does not teach all the claim limitations, as recited in each of the independent Claims 1, 5, 13, and 17, and consequently in any of their respective dependent claims.

Application No.: 10/047,032
Attorney Docket No.: NL010054

A. Rejection of Claims 1, 2, 4-6, 8-10, 12-14, and 16-18 under 35 U.S.C. §102(e)

Claims 1, 2, 4-6, 8-10, 12-14, and 16-18 stand rejected under 35 U.S.C. §102(e) as being unpatentable over US Patent No. 6,263,507 to Chai et al. ("Chai").

Claim 1

One of the features of the present invention, as claimed in claim 1, is the transmitter comprising a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals, a first encoder for encoding the first frequency band signal into a first encoded frequency band signal and a second encoder for encoding the second frequency band signal into a second encoded frequency band signal. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be encoded by separate encoders, the splitter splits up the input signal prior to encoding of the frequency band signals at the first and second encoders. A second feature of the present invention, as claimed in claim 1, is a first decoder for decoding the first encoded frequency band signal and a second decoder for decoding the second encoded frequency band signal, and a combiner for combining first and second decoded frequency band signals

Chai discloses that generation of hierarchical subband decomposed coefficients takes place at the encoders (Col. 3, lines 30-33). In the Advisory Action dated December 27, 2005, the Examiner asserted that the subband encoding step of Chai performs a necessary step of splitting a signal into frequency bands. According to the Examiner, "Chai teaches splitting of the input signal resulting in coefficients corresponding to separate bands, where... each of the sets of coefficients will undergo a separate formatting operation (encoding) during packetization (Pages

Application No.: 10/047,032
Attorney Docket No.: NL010054

2-3 of the Advisory Action)." The Examiner therefore appears to argue that the input signal(s) of Chai undergoes splitting at encoders 220 and 222 (shown in Fig. 2), with subsequent encoding at packetizers 230.

Appellant notes that, as set forth in MPEP § 2173.05(a), "[I]t has been stated that consistent with the well-established axiom in patent law that a patentee is free to be his or her own lexicographer, a patentee may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings. Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990)." Chai defines encoders 220 and 220 as devices "for receiving and encoding [audio or video] data into an elementary... bitstream (Col. 3, lines 28-30; 54-56)." Chai further defines packetizers 230 as devices where the elementary bitstreams generated by the encoders are converted into packets (Col. 3, lines 65-67). Thus, the term "packetizer," as used by Chai, is distinctly different from the term "encoder." Therefore, Appellant argues that a step of packetization, as described by Chai, falls outside the meaning of encoding, as defined by Chai.

Since the packetizer is not an encoder within the meaning of Chai, any step of splitting of the input signal resulting in coefficients corresponding to separate bands clearly takes place at the encoder 220 of Chai (Col. 3, lines 28-44), and not prior to the encoders of Chai. Therefore, Chai fails to show a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals, a first encoder for encoding the first frequency band signal, and a second encoder for encoding the second frequency band signal, as recited in claim 1.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Further, Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 1, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 “Appellant may be own lexicographer” and as set forth in MPEP §2173.05(a): “When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant’s invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).” In the present application, a combiner is defined in the Appellant’s specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant’s specification as a device for decoding an encoded frequency band signal. Thus, the term “combiner,” as used in the current application, is distinctly different from the term “decoder,” and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing

Application No.: 10/047,032
Attorney Docket No.: NL010054

decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 1.

Accordingly, claim 1 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently.

Claims 2 and 4

Appellant incorporates herein by reference the arguments presented above against the rejection of claim 1 under 35 U.S.C. §102(e) over Chai. Claims 2 and 4 depend from claim 1 and accordingly are allowable for at least this reason.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 5

One of the features of the present invention, as claimed in claim 5, is the receiver comprising a first decoder for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder for decoding the second encoded frequency band signal into a second decoded frequency band signal, the receiver further comprising a combiner for combining the first and second decoded frequency band signals into an output signal.

Chai fails to show a step of combining the first and second decoded frequency band signals, as recited in claim 5, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present

Application No.: 10/047,032
Attorney Docket No.: NL010054

application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's specification as a device for decoding an encoded frequency band signal. Thus, the term "combiner," as used in the current application, is distinctly different from the term "decoder," and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that decoded signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder which is capable of hierarchical subband decomposition (Col. 3, lines 28-34; Col. 4, lines 31-42), and would therefore, by implication, be reversed at a complementary decoder (Col. 8, lines 54-59). There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 5.

Accordingly, claim 5 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claims 6 and 8

Appellant incorporates herein by reference the arguments presented above against the rejection of claim 5 under 35 U.S.C. §102(e) over Chai. Claims 6 and 8 depend from claim 5 and accordingly are allowable for at least this reason.

Claim 9

One of the features of the present invention, as claimed in claim 9, is the method of transmitting a single input signal via a transmission channel. The method comprises the steps of splitting up the single input signal into at least first and second frequency band signals; and encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be separately encoded, the input signal must have been split up prior to encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal. A second feature of the present invention, as claimed in claim 9, is a step of decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25), with a subsequent step combining the first and second decoded frequency band signals into an output signal.

Chai discloses that generation of hierarchical subband decomposed coefficients takes place at the encoders (Col. 3, lines 30-33). In the Advisory Action dated December 27, 2005, the

Application No.: 10/047,032
Attorney Docket No.: NL010054

Examiner asserted that the subband encoding step of Chai performs a necessary step of splitting a signal into frequency bands. According to the Examiner, "Chai teaches splitting of the input signal resulting in coefficients corresponding to separate bands, where... each of the sets of coefficients will undergo a separate formatting operation (encoding) during packetization (Pages 2-3 of the Advisory Action)." The Examiner therefore appears to argue that the input signal(s) of Chai undergoes splitting at encoders 220 and 222 (shown in Fig. 2), with subsequent encoding at packetizers 230. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be encoded by separate encoders, the splitter splits up the input signal prior to encoding of the frequency band signals at the first and second encoders.

Appellant notes that, as set forth in MPEP § 2173.05(a), "[I]t has been stated that consistent with the well-established axiom in patent law that a patentee is free to be his or her own lexicographer, a patentee may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings. Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990)." Chai defines encoders 220 and 220 as devices "for receiving and encoding [audio or video] data into an elementary... bitstream (Col. 3, lines 28-30; 54-56)." Chai further defines packetizers 230 as devices where the elementary bitstreams generated by the encoders are converted into packets (Col. 3, lines 65-67). Thus, the term "packetizer," as used by Chai, is distinctly different from the term "encoder." Therefore, Appellant argues that a step of packetization, as described by Chai, falls outside the meaning of encoding, as defined by Chai.

Since the packetizer is not an encoder within the meaning of Chai, any step of splitting of the input signal resulting in coefficients corresponding to separate bands clearly takes place at

Application No.: 10/047,032
Attorney Docket No.: NL010054

the encoder 220 of Chai (Col. 3, lines 28-44), and not prior to the encoders of Chai. Therefore, Chai fails to show a step of splitting up a single input signal on a single input line into at least first and second frequency band signals, a step of encoding the first frequency band signal, and a second step of encoding the second frequency band signal, as recited in claim 9.

Further, Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 9, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's

Application No.: 10/047,032
Attorney Docket No.: NL010054

specification as a device for decoding an encoded frequency band signal. Thus, the term "combiner," as used in the current application, is distinctly different from the term "decoder," and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 9.

Accordingly, claim 9 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claims 10 and 12

Appellant incorporates herein by reference the arguments presented above against the rejection of claim 9 under 35 U.S.C. §102(e) over Chai. Claims 10 and 12 depend from claim 9 and accordingly are allowable for at least this reason.

Claim 13

One of the features of the present invention, as claimed in claim 13, is a method of receiving, via a transmission channel, first and second encoded frequency band signals derived from a single input signal. The method, as claimed in claim 13, comprises the steps of decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25); and combining the first and second decoded frequency band signals into an output signal (Page 6, lines 12-14).

Contrary to the Examiner's assertion, Chai fails to show a step of combining the first and second decoded frequency band signals, as recited in claim 1, where the first and second decoded frequency band signals are generated in separate decoding steps. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and

Application No.: 10/047,032
Attorney Docket No.: NL010054

295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 “Appellant may be own lexicographer” and as set forth in MPEP §2173.05(a): “When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant’s invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).” In the present application, a combiner is defined in the Appellant’s specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant’s specification as a device for decoding an encoded frequency band signal. Thus, the term “combiner,” as used in the current application, is distinctly different from the term “decoder,” and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no

Application No.: 10/047,032
Attorney Docket No.: NL010054

suggestion to combine these signals into a single output. Therefore, Chai fails to show a step of decoding the first frequency band signal, and a step of for decoding the second frequency band signal, with a step of combining at least first and second decoded frequency band signals, as recited in claim 13.

Accordingly, claim 13 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently.

Claims 14 and 16

Appellant incorporates herein by reference the arguments presented above against the rejection of claim 13 under 35 U.S.C. §102(e) over Chai. Claims 14 and 16 depend from claim 9 and accordingly are allowable for at least this reason.

Claim 17

One of the features of the present invention, as claimed in claim 17, is the speech decoder comprising a first decoder for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder for decoding the second encoded frequency band signal into a second decoded frequency band signal. The speech decoder further comprises a combiner for combining the first and second decoded frequency band speech signals into an output signal

Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 17, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a

Application No.: 10/047,032
Attorney Docket No.: NL010054

demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 “Appellant may be own lexicographer” and as set forth in MPEP §2173.05(a): “When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant’s invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).” In the present application, a combiner is defined in the Appellant’s specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant’s specification as a device for decoding an encoded frequency band signal. Thus, the term “combiner,” as used in the current application, is distinctly different from the term “decoder,” and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

Application No.: 10/047,032
Attorney Docket No.: NL010054

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a complementary decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 17.

Accordingly, claim 17 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently.

Claims 18 and 20

Appellant incorporates herein by reference the arguments presented above against the rejection of claim 5 under 35 U.S.C. §102(e) over Chai. Claims 6 and 8 depend from claim 5 and accordingly are allowable for at least this reason.

C. Rejection of Claims 3, 7, 11, 15, and 19 under 35 U.S.C. §103(a)

Claims 3, 7, 11, 15, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chai in view of Zinser.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 3

The Examiner rejected claim 3, stating that:

Chai teaches everything claimed, as described above (See Claim 1). As stated in the rejection of claim 1, Chai teaches that an adjacent subband may be used to repair a corrupted subband (Col. 2, lines 9-27), but Chai does not specifically teach "that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal."

Accordingly, Appellant incorporates hereafter the arguments presented above against the rejection of Claim 1 under 35 U.S.C. §102(e) over Chai, and submits that Claim 3 is allowable for at least the same reasons that base Claim 1 is allowable. In particular, Appellant submits that Chai does not teach a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals, a first encoder for encoding the first frequency band signal, and a second encoder for encoding the second frequency band signal, as recited in claim 1. Further, Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 1, where the first and second decoded frequency band signals are generated by separate decoders, as claimed in base claim 1.

One of the features of the present invention, as claimed in base claim 1, is the transmitter comprising a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals; a first encoder for encoding the first frequency band signal into a first encoded frequency band signal and a second encoder for encoding the second frequency band signal into a second encoded frequency band signal. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be encoded by separate encoders, the splitter splits up the input signal prior to encoding of the frequency band

Application No.: 10/047,032
Attorney Docket No.: NL010054

signals at the first and second encoders. A second feature of the present invention, as claimed in claim 1, is a first decoder for decoding the first encoded frequency band signal and a second decoder for decoding the second encoded frequency band signal, and a combiner for combining first and second decoded frequency band signals

Chai discloses that generation of hierarchical subband decomposed coefficients takes place at the encoders (Col. 3, lines 30-33). In the Advisory Action dated December 27, 2005, the Examiner asserted that the subband encoding step of Chai performs a necessary step of splitting a signal into frequency bands. According to the Examiner, "Chai teaches splitting of the input signal resulting in coefficients corresponding to separate bands, where... each of the sets of coefficients will undergo a separate formatting operation (encoding) during packetization (Pages 2-3 of the Advisory Action)." The Examiner therefore appears to argue that the input signal(s) of Chai undergoes splitting at encoders 220 and 222 (shown in Fig. 2), with subsequent encoding at packetizers 230.

Appellant notes that, as set forth in MPEP § 2173.05(a), "[I]t has been stated that consistent with the well-established axiom in patent law that a patentee is free to be his or her own lexicographer, a patentee may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings. Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990)." Chai defines encoders 220 and 220 as devices "for receiving and encoding [audio or video] data into an elementary... bitstream (Col. 3, lines 28-30; 54-56)." Chai further defines packetizers 230 as devices where the elementary bitstreams generated by the encoders are converted into packets (Col. 3, lines 65-67). Thus, the term "packetizer," as used by Chai, is distinctly different from the term "encoder." Therefore,

Application No.: 10/047,032
Attorney Docket No.: NL010054

Appellant argues that a step of packetization, as described by Chai, falls outside the meaning of encoding, as defined by Chai.

Since the packetizer is not an encoder within the meaning of Chai, any step of splitting of the input signal resulting in coefficients corresponding to separate bands clearly takes place at the encoder 220 of Chai (Col. 3, lines 28-44), and not prior to the encoders of Chai. Therefore, Chai fails to show a splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals, a first encoder for encoding the first frequency band signal, and a second encoder for encoding the second frequency band signal, as recited in claim 1.

Further, Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 1, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the

Application No.: 10/047,032
Attorney Docket No.: NL010054

meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's specification as a device for decoding an encoded frequency band signal. Thus, the term "combiner," as used in the current application, is distinctly different from the term "decoder," and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in base claim 1.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Accordingly, Claim 1 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently. The Examiner relies upon the Zinser as a secondary reference for the rejection of Claim 3 under §103(a) to teach reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal. Appellant submits that this reference does not cure the deficiencies of Chai regarding either the splitter for splitting up a single input signal on a single input line into at least first and second frequency band signals, or the combiner for combining the first and second decoded frequency band signals. Accordingly, Claim 3 is also patentable over Chai in view of Zinser.

Claim 7

The Examiner rejected claim 7, stating that:

Chai teaches everything claimed, as described above... Chai teaches that an adjacent subband may be used to repair a corrupted subband..., but Chai does not specifically teach "that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal."

Accordingly, Appellant incorporates hereafter the arguments presented above against the rejection of claim 5 under 35 U.S.C. §102(e) over Chai, and submits that Claim 7 is allowable for at least the same reasons that base claim 5 is allowable.

One of the features of the present invention, as claimed in base claim 5, is the receiver comprising a first decoder for decoding the first encoded frequency band signal into a first

Application No.: 10/047,032
Attorney Docket No.: NL010054

decoded frequency band signal and a second decoder for decoding the second encoded frequency band signal into a second decoded frequency band signal, the receiver further comprising a combiner for combining the first and second decoded frequency band signals into an output signal.

Chai fails to show a step of combining the first and second decoded frequency band signals, as recited in claim 5, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's specification as a device for decoding an encoded frequency band signal. Thus, the term

Application No.: 10/047,032
Attorney Docket No.: NL010054

“combiner,” as used in the current application, is distinctly different from the term “decoder,” and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that decoded signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder which is capable of hierarchical subband decomposition (Col. 3, lines 28-34; Col. 4, lines 31-42), and would therefore, by implication, be reversed at a complementary decoder (Col. 8, lines 54-59). There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in base claim 5.

Accordingly, Claim 5 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently. The Examiner relies upon the Zinser as a secondary reference for the rejection of Claim 7 under §103(a) to teach reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded

Application No.: 10/047,032
Attorney Docket No.: NL010054

frequency band signal. Appellant submits that this reference does not cure the deficiencies of Chai regarding the combiner for combining the first and second decoded frequency band signals. Accordingly, Claim 7 is also patentable over Chai in view of Zinser.

Claim 11

The Examiner rejected claim 11, stating that:

Chai teaches everything claimed, as described above... Chai teaches that an adjacent subband may be used to repair a corrupted subband..., but Chai does not specifically teach "that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal."

Accordingly, Appellant incorporates hereafter the arguments presented above against the rejection of claim 9 under 35 U.S.C. §102(e) over Chai, and submits that Claim 11 is allowable for at least the same reasons that base claim 9 is allowable.

One of the features of the present invention, as claimed in claim 9, is the method of transmitting a single input signal via a transmission channel. The method comprises the steps of splitting up the single input signal into at least first and second frequency band signals; and encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be separately encoded, the input signal must have been split up prior to encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal. A second feature of the

Application No.: 10/047,032
Attorney Docket No.: NL010054

present invention, as claimed in claim 9, is a step of decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25), with a subsequent step combining the first and second decoded frequency band signals into an output signal

Chai discloses that generation of hierarchical subband decomposed coefficients takes place at the encoders (Col. 3, lines 30-33). In the Advisory Action dated December 27, 2005, the Examiner asserted that the subband encoding step of Chai performs a necessary step of splitting a signal into frequency bands. According to the Examiner, "Chai teaches splitting of the input signal resulting in coefficients corresponding to separate bands, where... each of the sets of coefficients will undergo a separate formatting operation (encoding) during packetization (Pages 2-3 of the Advisory Action)." The Examiner therefore appears to argue that the input signal(s) of Chai undergoes splitting at encoders 220 and 222 (shown in Fig. 2), with subsequent encoding at packetizers 230. Appellant submits that, in the current invention, in order for the first and second frequency band signals to be encoded by separate encoders, the splitter splits up the input signal prior to encoding of the frequency band signals at the first and second encoders.

Appellant notes that, as set forth in MPEP § 2173.05(a), "[I]t has been stated that consistent with the well-established axiom in patent law that a patentee is free to be his or her own lexicographer, a patentee may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings. Hormone Research Foundation Inc. v. Genentech Inc., 904 F.2d 1558, 15 USPQ2d 1039 (Fed. Cir. 1990)." Chai defines encoders 220 and 220 as devices "for receiving and encoding [audio or video] data into an elementary... bitstream (Col. 3, lines

Application No.: 10/047,032
Attorney Docket No.: NL010054

28-30; 54-56)." Chai further defines packetizers 230 as devices where the elementary bitstreams generated by the encoders are converted into packets (Col. 3, lines 65-67). Thus, the term "packetizer," as used by Chai, is distinctly different from the term "encoder." Therefore, Appellant argues that a step of packetization, as described by Chai, falls outside the meaning of encoding, as defined by Chai.

Since the packetizer is not an encoder within the meaning of Chai, any step of splitting of the input signal resulting in coefficients corresponding to separate bands clearly takes place at the encoder 220 of Chai (Col. 3, lines 28-44), and not prior to the encoders of Chai. Therefore, Chai fails to show a step of splitting up a single input signal on a single input line into at least first and second frequency band signals, a step of encoding the first frequency band signal, and a second step of encoding the second frequency band signal, as recited in claim 9.

Further, Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 9, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's specification as a device for decoding an encoded frequency band signal. Thus, the term "combiner," as used in the current application, is distinctly different from the term "decoder," and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the

Application No.: 10/047,032
Attorney Docket No.: NL010054

second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 9.

Accordingly, Claim 9 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently. The Examiner relies upon the Zinser as a secondary reference for the rejection of Claim 11 under §103(a) to teach reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal. Appellant submits that this reference does not cure the deficiencies of Chai regarding either the steps of splitting up the single input signal into at least first and second frequency band signals; or combining the first and second decoded frequency band signals into an output signal. Accordingly, Claim 11 is also patentable over Chai in view of Zinser.

Claim 15

The Examiner rejected claim 15, stating that:

Chai teaches everything claimed, as described above... Chai teaches that an adjacent subband may be used to repair a corrupted subband..., but Chai does not specifically teach "that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal."

Accordingly, Appellant incorporates hereafter the arguments presented above against the rejection of claim 13 under 35 U.S.C. §102(e) over Chai, and submits that Claim 15 is allowable for at least the same reasons that base claim 13 is allowable.

Application No.: 10/047,032
Attorney Docket No.: NL010054

One of the features of the present invention, as claimed in claim 13, is a method of receiving, via a transmission channel, first and second encoded frequency band signals derived from a single input signal. The method, as claimed in claim 13, comprises the steps of decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal (Page 7, lines 15-25); and combining the first and second decoded frequency band signals into an output signal (Page 6, lines 12-14).

Contrary to the Examiner's assertion, Chai fails to show a step of combining the first and second decoded frequency band signals, as recited in claim 13, where the first and second decoded frequency band signals are generated in separate decoding steps. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 "Appellant may be own lexicographer" and as set forth in MPEP §2173.05(a): "When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant's invention and its relation to the

Application No.: 10/047,032
Attorney Docket No.: NL010054

prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989)." In the present application, a combiner is defined in the Appellant's specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant's specification as a device for decoding an encoded frequency band signal. Thus, the term "combiner," as used in the current application, is distinctly different from the term "decoder," and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a step of decoding the first frequency band signal, and a step of for decoding the second frequency band signal, with a step of combining at least first and second decoded frequency band signals, as recited in claim 13.

Accordingly, Claim 13 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently. The Examiner relies

Application No.: 10/047,032
Attorney Docket No.: NL010054

upon the Zinser as a secondary reference for the rejection of Claim 15 under §103(a) to teach reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal. Appellant submits that this reference does not cure the deficiencies of Chai regarding the step of combining the first and second decoded frequency band signals into an output signal. Accordingly, Claim 15 is also patentable over Chai in view of Zinser.

Claim 19

The Examiner rejected claim 19, stating that:

Chai teaches everything claimed, as described above... Chai teaches that an adjacent subband may be used to repair a corrupted subband..., but Chai does not specifically teach "that the reconstruction means are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal."

Accordingly, Appellant incorporates hereafter the arguments presented above against the rejection of claim 17 under 35 U.S.C. §102(e) over Chai, and submits that Claim 19 is allowable for at least the same reasons that base claim 17 is allowable.

One of the features of the present invention, as claimed in claim 17, is the speech decoder comprising a first decoder for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder for decoding the second encoded frequency band signal into a second decoded frequency band signal. The speech decoder further comprises a combiner for combining the first and second decoded frequency band speech signals into an output signal

Application No.: 10/047,032
Attorney Docket No.: NL010054

Chai fails to show a combiner for combining the first and second decoded frequency band signals, as recited in claim 1, where the first and second decoded frequency band signals are generated by separate decoders. Chai discloses that a transport stream may be demultiplexed at a demultiplexor 260, to produce elementary streams which serve as inputs to separate decoders 270 and 290, which output decoded signals 275 and 295 (See Fig. 2; Col. 4, lines 14-22).

In the Office Action dated October 20, 2005, the Examiner asserted on page 3 that Chai showed a first decoder and a second decoder in Fig. 2, items 260, 270, and 290; and a combiner for combining frequency band signals into an output signal (See Fig. 2, items 270, 275, 290, and 295; Col. 4, lines 14-22). In view of this, the Examiner appears to argue that items 270 and 290 function both as decoders and as combiners.

Appellant notes that, as set forth in MPEP §2110.01 “Appellant may be own lexicographer” and as set forth in MPEP §2173.05(a): “When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the Appellant’s invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).” In the present application, a combiner is defined in the Appellant’s specification as a device for combining two decoded frequency band signals into an output signal; and a decoder is defined in the Appellant’s specification as a device for decoding an encoded frequency band signal. Thus, the term “combiner,” as used in the current application, is distinctly different from the term “decoder,” and the combiner acts on a signal which is output from a decoder (Page 5, line 32-Page 6, line 4). In view of this, Appellant respectfully submits that the Examiner is in error in referencing decoders 270 and 290 of Chai as also being combiners. A review of Chai fails to show that

Application No.: 10/047,032
Attorney Docket No.: NL010054

signals 275 and 290 leaving decoders 270 and 290 are combined, and the cited text fails to reference any combiner, or any combination step.

In the Advisory Action dated December 27, 2005, the Examiner asserted that video and audio signals were decomposed prior to transmission, and would inherently need to be recomposed (Page 4 of the Advisory Action). However, such decomposition takes place at an encoder, and would therefore, by implication, be reversed at a complementary decoder. There is no teaching within Chai that the outputs of two separate decoders would be recomposed at a combiner. Each decoder of Chai generates a single output signal (Col. 4, lines 14-22; Fig. 2); there is no suggestion to combine these signals into a single output. Therefore, Chai fails to show a first decoder for decoding the first frequency band signal, and a second decoder for decoding the second frequency band signal, with a combiner for combining at least first and second decoded frequency band signals, as recited in claim 17.

Accordingly, Claim 17 is patentable over Chai because Chai does not describe each and every element as set forth in the claim, neither expressly nor inherently. The Examiner relies upon the Zinser as a secondary reference for the rejection of Claim 19 under §103(a) to teach reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal. Appellant submits that this reference does not cure the deficiencies of Chai regarding the combiner for combining the first and second decoded frequency band signals.

Accordingly, Claim 19 is also patentable over Chai in view of Zinser.

Application No.: 10/047,032
Attorney Docket No.: NL010054

VIII. CONCLUSION

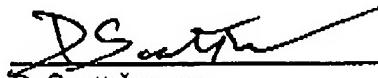
Appellant submits that all the claims on appeal are patentable because they are neither anticipated nor suggested by the cited art references. Accordingly, reversal of all the rejections and allowance of all the claims submitted on appeal is respectfully solicited.

Respectfully submitted,

KRAMER & AMADO, P.C.

3/9/2006
Date

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Tel. (703) 519-9801
Fax. (703) 519-9802


D. Scott Juneau
Reg. No. 39,243

Application No.: 10/047,032
Attorney Docket No.: NL010054

CLAIMS APPENDIX

Claim 1. A transmission system (10) comprising a transmitter (12) for transmitting an input signal to a receiver (14) via a transmission channel (16), the transmitter (12) comprising a splitter (20) for splitting up a single input signal on a single input line into at least first and second frequency band signals, the transmitter (12) further comprising a first encoder (22) for encoding the first frequency band signal into a first encoded frequency band signal and a second encoder (24) for encoding the second frequency band signal into a second encoded frequency band signal, the transmitter (12) being arranged for transmitting the first and second encoded frequency band signals via the transmission channel (16) to the receiver (14), the receiver (14) comprising a first decoder (26) for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder (28) for decoding the second encoded frequency band signal into a second decoded frequency band signal, the receiver (14) further comprising a combiner (30) for combining the first and second decoded frequency band signals into an output signal, the receiver (14) further comprising reconstruction means (48) for reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available, characterised in that the reconstruction means (48) are arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 2. The transmission system (10) according to claim 1, characterised in that the reconstruction means (48) are arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal by extending a bandwidth of the first decoded frequency band signal.

5

Claim 3. The transmission system (10) according to claim 1, characterised in that the reconstruction means (48) are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal.

5

Claim 4. The transmission system (10) according to claim 1, characterised in that the first frequency band signal and the first encoded frequency band signal and the first decoded frequency band signal are signals having a low frequency band and in that the second frequency band signal and the second encoded frequency band signal and the second decoded frequency band signal are signals having a high frequency band.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 5. A receiver (14) for receiving, via a transmission channel (16), first and second encoded frequency band signals derived from a single input signal from a transmitter (12), the receiver (14) comprising a first decoder (26) for decoding the first encoded frequency band signal into a first decoded frequency band signal and a second decoder (28) for decoding the second encoded frequency band signal into a second decoded frequency band signal, the receiver (14) further comprising a combiner (30) for combining the first and second decoded frequency band signals into an output signal, the receiver (14) further comprising reconstruction means (48) for reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available, characterised in that the reconstruction means (48) are arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal.

Claim 6. The receiver (14) according to claim 5, characterised in that the reconstruction means (48) are arranged for reconstructing the second decoded frequency band signal from the first decoded frequency band signal by extending a bandwidth of the first decoded frequency band signal.

5

Claim 7. The receiver (14) according to claim 5, characterised in that the reconstruction means (48) are arranged for reconstructing a present frame of the second decoded frequency band signal from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal.

5

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 8. The receiver (14) according to claim 5, characterised in that the first encoded frequency band signal and the first decoded frequency band signal are signals having a low frequency band and in that the second encoded frequency band signal and the second decoded frequency band signal are signals having a high frequency band.

5

Claim 9. A method of transmitting a single input signal via a transmission channel (16), the method comprising:

- splitting up the single input signal into at least first and second frequency band signals,
- 5 • encoding the first frequency band signal into a first encoded frequency band signal and encoding the second frequency band signal into a second encoded frequency band signal,
- transmitting the first and second encoded frequency band signals via the transmission channel (16),
- 10 • decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal,
- combining the first and second decoded frequency band signals into an output signal,
- reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available, characterised in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal.

Application No.: 10/047,032
Attorney Docket No.: NL010054

5

Claim 10. The method of transmitting an input signal via a transmission channel (16) according to claim 9, characterised in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal by extending a bandwidth of the first decoded frequency band signal.

5

Claim 11. The method of transmitting an input signal via a transmission channel (16) according to claim 9, characterised in that a present frame of the second decoded frequency band signal is reconstructed from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal.

5

Claim 12. The method of transmitting an input signal via a transmission channel (16) according to claim 9, characterised in that the first frequency band signal and the first encoded frequency band signal and the first decoded frequency band signal are signals having a low frequency band and in that the second frequency band signal and the second encoded frequency band signal and the second decoded frequency band signal are signals having a high frequency band.

Claim 13. A method of receiving, via a transmission channel (16), first and second encoded frequency band signals derived from a single input signal, the method comprising:

- decoding the first encoded frequency band signal into a first decoded frequency band signal and decoding the second encoded frequency band signal into a second decoded frequency band signal,
- combining the first and second decoded frequency band signals into an output signal,
- reconstructing the second decoded frequency band signal when the second decoded frequency band signal is not available, characterised in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal.

Claim 14. The method of receiving, via a transmission channel (16), first and second encoded frequency band signals according to claim 13, characterised in that the second decoded frequency band signal is reconstructed from the first decoded frequency band signal by extending a bandwidth of the first decoded frequency band signal.

Claim 15. The method of receiving, via a transmission channel (16), first and second encoded frequency band signals according to claim 13, characterised in that a present frame of the second decoded frequency band signal is reconstructed from a present frame of the first decoded frequency band signal and from a previous frame of the second decoded frequency band signal.

Claim 16. The method of receiving, via a transmission channel (16), first and second encoded frequency band signals according to claim 13, characterised in that the first encoded frequency band signal and the first decoded frequency band signal are signals having a low frequency band and in that the second encoded frequency band signal and the second decoded frequency band signal are signals having a high frequency band.

Claim 17. A speech decoder (60) for decoding first and second encoded frequency band speech signals derived from a single input signal, the speech decoder (60) comprising a first decoder (26) for decoding the first encoded frequency band speech signal into a first decoded frequency band speech signal and a second decoder (28) for decoding the second encoded frequency band speech signal into a second decoded frequency band speech signal, the speech decoder (60) further comprising a combiner (30) for combining the first and second decoded frequency band speech signals into an output signal, the speech decoder (60) further comprising reconstruction means (48) for reconstructing the second decoded frequency band speech signal when the second decoded frequency band signal is not available, characterised in that reconstruction means (48) are arranged for reconstructing the second decoded frequency band speech signal from the first decoded frequency band speech signal.

Application No.: 10/047,032
Attorney Docket No.: NL010054

Claim 18. The speech decoder (60) according to claim 17, characterised in that the reconstruction means (48) are arranged for reconstructing the second decoded frequency band speech signal from the first decoded frequency band speech signal by extending a bandwidth of the first decoded frequency band speech signal.

Claim 19. The speech decoder (60) according to claim 17, characterised in that the reconstruction means (48) are arranged for reconstructing a present frame of the second decoded frequency band speech signal from a present frame of the first decoded frequency band speech signal and from a previous frame of the second decoded frequency band speech signal.

Claim 20. The speech decoder (60) according to claim 17, characterised in that the first encoded frequency band speech signal and the first decoded frequency band speech signal are signals having a low frequency band and in that the second encoded frequency band speech signal and the second decoded frequency band speech signal are signals having a high frequency band.

Application No.: 10/047,032

Attorney Docket No.: NL010054

EVIDENCE APPENDIX

Listing and copies of evidence relied upon by the Examiner as to grounds of rejection to be reviewed on Appeal:

1. US Patent No. 6,137,915 to Chai et al.
 2. US Patent No. 5,384,793 to Zinser et al.

MAR-09-2006 16:22

KRAMER & AMADO, P.C.

703 5199802 P.57

Application No.: 10/047,032
Attorney Docket No.: NL010054

RELATED PROCEEDINGS APPENDIX

None.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.